

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SUNG BOK NAM

Plaintiff

v.

MARK D. NELKE, D.M.D.

Defendant.

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COMPLAINT

Jury Trial Demanded

PARTIES

A. Plaintiff

1. Plaintiff Sung Bok Nam is an adult citizen and resident of the Commonwealth of Pennsylvania, residing at 940 N. 9th Street, Stroudsburg, Pennsylvania 18360.

B. Defendant

2. Defendant Mark D. Nelke, DMD, is a dentist and/or doctor of medicine in dentistry licensed to practice dentistry in New Jersey, with an office address of 196 Route 94, P.O. Box 650, Blairstown, New Jersey 07825.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §1332 because this civil action is a diversity of citizenship case in that Plaintiff is a resident of the Commonwealth of Pennsylvania and Defendant is a resident of the State of New Jersey.

4. Venue is proper in this Court pursuant to 28 U.S.C. §1391(b) because a substantial part of the events or omissions giving rise to the claims set forth herein occurred within the District of New Jersey.

NATURE OF THE CASE

5. On or about November 18, 2014, Defendant provided dental services to the Plaintiff in Blairstown, New Jersey in the form of installation of crowns on the following teeth of Plaintiff: 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and a temporary crown on Plaintiff's tooth 24.

6. On or about January 28, 2015, Defendant provided additional dental services to the Plaintiff in Blairstown, New Jersey in the form of installation of crowns on Plaintiff's teeth 29 and 30.

7. During the Plaintiff's medical and/or dental services on or about November 18, 2014, Defendant owed a duty to the Plaintiff to perform medical and/or dental services within an acceptable standard of medical and/or dental care within the medical and/or dental community and Defendant breached this standard of care by improperly fitting the crowns to Plaintiff's teeth.

8. During the Plaintiff's medical and/or dental services on or about January 28, 2015, Defendant owed a duty to the Plaintiff to perform medical and/or dental services within an acceptable standard of medical and/or dental care within the medical and/or dental community

and Defendant breached this standard of care by improperly fitting the crowns to Plaintiff's teeth.

9. As a direct and proximate result of the breach of the applicable standard of medical and/or dental care by Defendant Mark D. Nelke: 1) Plaintiff's bridge does not fit his teeth properly causing tissue irritation and inflammation, 2) causing inability to floss due to non-optional embrasures, 3) causing decay, 4) causing insufficient space for gingival tissues, and 5) causing Plaintiff's bridge to be loose resulting in movement of Plaintiff's bridge.

10. As a direct and proximate result of the breach of the applicable standard of medical and/or dental care by Defendant Mark D. Nelke, which resulted in the improperly fitted crowns and resulting in items (1) through (5) as stated above, Plaintiff may suffer the loss of remaining teeth and the ultimate failure of his bridge.

11. As a direct and proximate result of the breach of the applicable standard of medical and/or dental care by Defendant Mark D. Nelke, which resulted in the improperly fitted crowns and resulting in the medical and/or dental problems of Plaintiff as stated above, Plaintiff will require additional corrective medical and/or dental work, including but not limited to, removal of Plaintiff's bridge and extractions of teeth numbered 22, 23, 24, 25, and 26.

12. As a direct and proximate result of the breach of the applicable standard of medical and/or dental care by Defendant Mark D. Nelke, which resulted in the improperly fitted crowns and/or improperly fitted bridge, causing movement of bridge, Plaintiff has: 1) suffered pain and suffering in the past, 2) will suffer pain and suffering in the future due to necessary additional corrective medical and/or dental work as stated above, 3) incurred significant medical and dental bills and expenses that will continue in the future, 4) extreme mental and emotional sorrow and anguish, 5) suffered physical injuries that he will carry for the rest of his life, 6) will

be forced to undergo future medical and/or dental procedures to restore his medical and/or dental health.

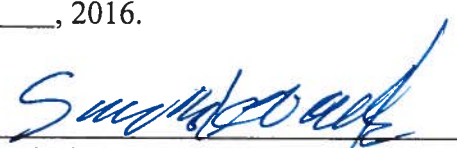
13. The damages, harm and losses endured by the Plaintiff were the direct, proximate result of the medical and/or dental errors committed by Defendant Mark D. Nelke.

14. That Defendant Mark D. Nelke did not do what a reasonable, ordinary dentist would do treating the Plaintiff. His treatment deviated from the appropriate standard of care during the medical and/or dental services he performed on the Plaintiff. Because of this, Plaintiff has suffered the aforementioned losses including but not limited to improperly fitted crowns, a loose bridge, and the potential loss of remaining teeth and the ultimate failure of his bridge.

WHEREFORE, Plaintiff demands compensatory and punitive damages against Defendant in an amount in excess of Two Hundred Fifty Thousand (\$250,000.00) Dollars, plus costs and attorney's fees and any and all other relief deemed just and equitable by this Court.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 19 day of Nov, 2016.


Sung Bok Nam
Plaintiff
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